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REMARKS/ARGUMENTS

Claims 1 - 20 remain in the application. Claims 1 - 6, 8 - 15, and 17 - 20 have been amended.

Amendment to the Specification

The title has been amended to correct a typographical error. Entry of the amendment is requested.

Priority Document

Applicant is in the process of obtaining a certified copy of priority application CA 2,225,385, and will file it on receipt.

35 U.S.C. 112 Rejections

The Examiner objected to claims 12 and 14 for lack of proper antecedents. Applicant has amended claims 12 and 14 to provide a proper antecedent basis for all terms, and requests withdrawal of the rejections under 35 U.S.C. 112.

35 U.S.C. 102 Rejections

The Examiner rejected claims 1 - 7, 12 - 15 and 17 - 20 as being anticipated by U.S. Publication No. 2002/0087622 to Anderson. Applicant submits that the claims as amended are patentable in view of Anderson for the following reasons.

Independent claim 1 now recites a system for storing digital images and providing access thereto on a photo sharing website. The system comprises a series of local computer servers storing high quality format digital images thereon with each local computer server including a proxy arrangement for producing reduced quality format proxies of any of said stored high quality format digital images; a transmission arrangement for transmitting said proxies to said photo sharing website to permit a user remote access to said proxies by accessing said website; a series of tools to allow the user to make modifications to the proxies and produce an instruction set in accordance with said modifications; and means for sending said instruction set to the local computer server having the original high quality format digital images used to produce said proxies.

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Independent claim 12 now recites a photo-sharing web server. The photo-sharing web server comprises means for receiving a reduced quality proxy copy of a digital image from a local server that stores the digital image in a high quality image format, and for making said proxy copy available to a user over the internet; modification tools allowing the user to make modifications to said proxy copy, means for recording modification instructions, in accordance with the modifications made to said proxy copy, for applying to the digital image stored in the high quality image format; and means for sending said modification instructions to any of a series of local servers to retrieve the digital image stored in the high quality image format and to produce a modified high quality image in accordance with the modification instructions.

Independent claim 13 now recites a method of storing, accessing, modifying and printing digital photographic records comprising: storing a digital record in a high quality image format on a local file server, producing a substantially lower quality copy of said digital record and transmitting the copy to a website for access by an authorized user, recording user-specified modification instructions, received from modification tools on the website interacting with the copy, with respect to a modified image that the user wants reproduced on a charge basis, forwarding said modification instructions to a retail outlet, retrieving the high quality record associated with said modification instructions at the retail outlet, and producing at said retail outlet a high quality modified image using said retrieved high quality record and said modification instructions.

Each of the independent claims now specifies that a proxy, or reduced quality, image of a high quality format image is stored at a photo-sharing website. The website includes tools that permit a user to make modifications to the proxy image and to generate modification instructions that can be applied to the high quality image stored on a local server. Thus, there is no need to consume unnecessary bandwidth and storage space by transmitting the high quality image to the website for modification by the user. By contrast, Anderson requires an actual copy of the high quality image be downloaded to the web application in order to apply user-specified modifications to the image (see para. [0051]). There is no suggestion or teaching in Anderson that a user can modify a proxy image at the website and generate a set of modification instructions that can then be applied to the locally stored high quality image record. In fact, Anderson specifically teaches uploading the full original image in order to make modifications, which is precisely the problem that the present invention avoids. Accordingly,

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Applicant submits that claims 1, 12 and 13, and their respective dependent claims, are patentable in view of Anderson, and requests withdrawal of the rejections under 35 U.S.C. 102(e).

35 U.S.C. 103 Rejections

The Examiner rejected claims 8, 9, 11 and 16 as being unpatentable over Anderson, in view of U.S. Patent No. 6,760,128 to Jackson, and rejected claim 10 as being unpatentable over Anderson, in view of Jackson, and further in view of U.S. Publication No. 2001/0032151 to Paul.

Claims 8 - 11 and 16 are dependent on claims 1 and 13, respectively, and include all the limitations discussed above. Applicant reiterates that there is no teaching or suggestion in Anderson that a user can modify a proxy image at the website and generate a set of modification instructions that can then be applied to the locally stored high quality image record. In fact, Anderson directly teaches away from such a feature by requiring that the high quality image be resident at the website in order to undergo user-specified modifications (see para. [0051]).

Jackson merely discloses a photo order fulfillment system in which images are uploaded to a website, and prints of the images ordered (see e.g. col. 6, lines 24 - 58). There is no suggestion or teaching in Jackson that only proxy images are uploaded to the website, nor that modifications to the images are made by a user manipulating proxy images. Paul discloses a system in which images can be associated with sound recordings. Again, the images are uploaded to the website where they can be viewed or associated with a desired sound recording (see e.g. paras. [0031] - [0037]). There is no suggestion or teaching in Paul that modification instructions are created by modifying a proxy image and then transmitting the modification instructions to a local server where the full image is stored. Accordingly, the combination of Anderson with Jackson and/or Paul does not result in the invention as presently claimed, and Applicant respectfully requests withdrawal of the rejections under 35 U.S.C. 103(a).

A petition, including fee, for a one-month extension of time is submitted under separate cover. No other fee is believed due. However, if a fee is due, the Commissioner is hereby authorized

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to charge any additional fees, and credit any overpayments to Deposit Account No. 501593, in the name of Borden Ladner Gervais LLP.

Applicant submits that the application is now in condition for allowance, and favorable action to that end is respectfully requested.

Respectfully submitted,
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